

Federal Defenders OF NEW YORK, INC.

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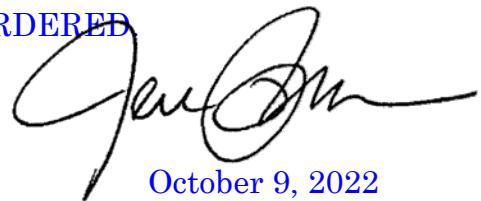
Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

October 7, 2022

VIA ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Application GRANTED (subject to the conditions proposed by Pretrial Services). The Clerk of Court is directed to terminate Doc. #38. SO ORDERED.



October 9, 2022

Re: United States v. David Vieser
22 CR 101 (JMF)

Dear Judge Furman:

I write to respectfully request permission for Mr. Vieser to travel outside of New York, specifically to Cornelius, North Carolina, to visit his elderly parents and aunt from October 15-24, 2022. Pretrial Officer Jonathan Lettieri informs me that Pretrial Services does not object to this request, provided Mr. Vieser comply with certain conditions.¹ Officer Lettieri also confirms that Mr. Vieser remains in compliance with his bail conditions.

Mr. Vieser seeks travel permission primarily so he can visit his parents and his aunt. Mr. Vieser is very close to his aunt, Nancy Jackson, who is the sole other LGBTQ member of his family and was, for some time, the only person in his family who was supportive when he came out. She retired to North Carolina several years ago to be closer to Mr. Vieser's parents, who also retired to North Carolina, and prior his arrest in this matter, Mr. Vieser regularly visited his family there. Ms. Jackson is in rapidly declining health; she is 85 years-old and now blind, deaf, and generally immobilized, in addition to suffering from a heart condition. Mr. Vieser and his family were recently advised that she should be moved to hospice care.

Mr. Vieser makes this request in advance of his sentence hearing, which was recently rescheduled from October 4 to November 3, 2022 at the Government's request. As he understands he faces the possibility of a custodial sentence at that hearing or other

¹ The conditions Pretrial requires are: (1) there are no minors where Mr. Vieser will be staying, (2) Mr. Vieser's parents, with whom he will be staying, are made aware of the computer restrictions in place under his current bail conditions, and that Mr. Vieser provide Officer Lettieri with the names and contact information of his parents in case he needs to reach them, and (3) Mr. Vieser agrees to return to New York early if there are any issues with his GPS ankle monitor. Mr. Vieser is happy to comply with all these conditions.

substantial restrictions on his liberty, Mr. Vieser seeks permission to visit Ms. Jackson in case it is his last opportunity to do so before she passes away.

Mr. Vieser has submitted a detailed itinerary and overall travel plan to Pretrial Services regarding this request. In brief, he intends to take Amtrak to North Carolina and a flight back, and he intends to stay with his parents for the duration of the trip while regularly visiting with Ms. Jackson. No minors live in Mr. Vieser's parents' home.

As the Court is aware, Mr. Vieser is currently enrolled in intensive outpatient program at the Addiction Institute at Mount Sinai, as he is in recovery from a lengthy crystal methamphetamine addiction. That program is currently a hybrid of Zoom and in-person therapy sessions totaling six sessions a week. If granted travel permission, Mr. Vieser would attend the three Zoom sessions of his program scheduled for the dates of travel, which would include two group sessions and one session of individual therapy with his counselor, Yenny Carrasco. Thus, he would only miss three out of six sessions during the dates of travel, specifically the ones that are in person. Mr. Vieser has spoken candidly with Ms. Carrasco, Mr. Lettieri, and defense counsel about this trip and whether he is likely to experience any triggers that would upset his recovery in North Carolina, and he does not anticipate facing any such triggers. He is also fully aware of how to access his support network, which includes Ms. Carrasco, his Federal Defenders social worker, and the other members of his small group at the Addiction Institute, in the event he feels like he may use. As of the filing of this letter, and as confirmed by Officer Lettieri, Mr. Vieser has now achieved five months of sobriety.

I have conferred with AUSA Matt Weinberg, who informs me the Government defers to Pretrial Services with respect to this request. I thank the Court for its consideration.

Respectfully,

/s/ Hannah McCrea
Hannah McCrea
Assistant Federal Defender
(646) 574-0351

CC: AUSA Matthew Weinberg